EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph Schmidt on 7 February 2011.

The application has been amended as follows:

In the Specification, "This application claims the benefit of U.S. Provisional Application No. 60/416,330 filed 4 October 2002." has been inserted as the first sentence of the Specification following the title.

Claim 23, line 3, "adjacent the proximal end, a first distinct" has been replaced with - - adjacent the proximal end and a needle end adjacent the main shaft, the needle end comprising a first distinct - -.

Claim 23, line 10, - - and the needle end defining a maximum cross-sectional dimension greater than a corresponding maximum cross-sectional dimension of the main shaft - - has been inserted between "intersecting surfaces" and the period (".") at the end of the claim.

Allowable Subject Matter

2. **Claims 2-3, 10-11, 13-14, 16-20, and 22-25** are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

4. The prior art considered to be most pertinent to the claimed invention are listed and described as follows: Smith (US Patent Number 4,513,747) discloses a needle body having first (31, 32) and second (34, 35) sets of planar surfaces forming edges at intersections between the two sets of surfaces (see figures 1-3), but does not disclose each set having at least three or four concave/non-linear planar surfaces in each set. Kurtz et al (US Patent Number 4,128,351) teach forming an additional planar surface (72) on a needle end forming cutting edges at the intersection of sets of planar surfaces (see figures 5-7), but does not disclose each set having at least three or four concave/non-linear planar surfaces in each set. Silverman (US Patent Number 5,464,422) teaches a needle having at least three or four concave/non-linear sides (column 2, lines 29-34; column 3, lines 29-36), but does not disclose first and second sets of concave/non-linear planar intersecting forming cutting edges at intersections between the sets. Cottrill (US Patent Number 20,409) teaches forming concave/non-linear surfaces on a needle (see figures 1-2), but does not disclose first and second sets of concave/non-linear planar intersecting forming cutting edges at intersections between the sets. None of the above references reasonably teach a needle end with intersecting sets of at least three or for concave/non-linear surfaces and defining a maximum cross-sectional dimension greater than a corresponding maximum cross-sectional dimension of the main shaft. Allen (US Patent Number 5,403,344) discloses a needle end defining a maximum cross-sectional dimension greater than a corresponding maximum cross-

sectional dimension of the main shaft (see figures 2-3), but does not reasonably teach having such a needle end configuration with first and second sets of concave/non-linear planar intersecting forming cutting edges at intersections between the sets or indicate why one of ordinary skill in the art would be motivated to modify a needle end with intersecting sets of surfaces to define such maximum cross-sectional dimension.

5. Regarding **claim 20**, upon consideration of Applicant's arguments, see pages 5-12 of the Appeal Brief filed 12 November 2010, the prior art does not disclose or suggest alone or in combination the claimed needle end cutting edge configuration with a maximum cross-sectional dimension greater than that of the main shaft of the needle, as read with all the limitations of the claim. Specifically, the prior art does not teach or suggest a needle body with "a needle end adjacent the main shaft defining a generally diamond-shape in cross-section along an axis transverse to the longitudinal axis and a maximum cross-sectional dimension greater than a corresponding maximum cross-sectional dimension of the main shaft" and "the needle end including a first distinct set of four generally concave intersecting surfaces extending between the needle tip and the main shaft, the needle tip including a second distinct set of four generally concave intersecting surfaces extending between the needle point and the needle end to intersect the first set of concave surfaces of the needle end, and cutting edges disposed along each respective line of intersection of the first set of four surfaces of the needle end with the second set of four surfaces of the needle tip" as read with all the limitations of the claim. **Claims 2-3, 10-11, and 22** are allowed as being dependent upon allowed claim 20.

6. Regarding **claim 23**, upon consideration of Applicant's arguments, see pages 12-14 of the Appeal Brief filed 12 November 2010 and the Examiner's Amendment set forth above, the prior art does not disclose or suggest, alone or in combination, the claimed needle end cutting edge configuration with a maximum cross-sectional dimension greater than that of the main shaft of the needle, as read with all the limitations of the claim. Specifically, the prior art does not teach or suggest a needle body with "the at least three non-linear intersecting surfaces of the first set and the at least three non-linear intersecting surfaces of the second set defining respective cutting edges along each line of intersection of the first distinct set of at least three non-linear intersection surfaces with the second distinct set of at least three non-linear intersecting surfaces and the needle end defining a maximum cross-sectional dimension greater than a corresponding maximum cross-sectional dimension of the main shaft" as read with all the limitations of the claim. **Claims 13-14, 16-19, and 24-25** are allowed as being dependent upon allowed claim 23.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kurtz et al (US Patent Number 4,128,351) teaches the formation of a surface (72) on a needle end forming cutting edges and reinforcing the needle end (see figures 3-7).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN A. HOLLM whose telephone number is (571) 270-7529. The examiner can normally be reached on Monday - Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GARY JACKSON can be reached on (571) 272 - 4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAH/

/Gary Jackson/
Supervisory Patent Examiner
Art Unit 3734
February 12, 2011